

Michael C. Fallon (SBN 088313)  
Michael C. Fallon, Jr. (SBN 303082)  
100 E Street, Suite 219  
Santa Rosa, California 95404  
Telephone: (707) 546-6770  
Facsimile: (707) 546-5775  
mcfallon@fallonlaw.net  
fallonmc@fallonlaw.net

Philip J. Terry (SBN 148144)  
Kimberly Corcoran (SBN 148229)  
CARLE, MACKIE, POWER & ROSS LLP  
100 B Street, Suite 400  
Santa Rosa, California 95401  
Telephone: (707) 526-4200  
Facsimile: (707) 526-4707  
pjterry@cmprlaw.com  
kcorcoran@cmprlaw.com

Attorneys for Debtor/Plaintiff  
KINGSBOROUGH ATLAS TREE SURGERY, INC.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re:  
Kingsborough Atlas Tree Surgery, Inc.  
Debtor.

Case No. 25-10088 WJL

Chapter 11

Kingsborough Atlas Tree Surgery, Inc.  
Plaintiff,

AP No.

vs.

Anvil Power, Inc., a California corporation,  
Anvil Equipment Company LP, a  
California limited partnership, Anvil  
Builders, a California corporation, Anvil  
Holdings, Inc., a California corporation,  
Anvil Group, LLC, a California limited  
liability company,

**DECLARATION OF PHILIP J. TERRY IN  
SUPPORT OF MOTION FOR TRO,  
PRELIMINARY INJUNCTION AND TO  
COMPEL TURNOVER OF PROPERTY OF  
THE ESTATE PURSUANT TO 11 U.S.C.  
§542**

Defendants.

1 PHILIP J. TERRY, under penalty of perjury, declares as follows:

2 1. I am a partner in the law firm Carle Mackie Power & Ross LLP, litigation counsel  
3 for Kingsborough Atlas Tree Surgery, Inc. (hereinafter “KBA,” “Debtor,” or “Plaintiff) in this  
4 adversary proceeding. I know each of the following facts to be true of my own personal  
5 knowledge, except as otherwise stated and if called as a witness, I could and would competently  
6 testify with respect thereto. I make this declaration in support of KBA’s Motion for a Temporary  
7 Restraining Order, Preliminary Injunction, and Turnover Order.

8 2. On or about January 9, 2025, I made a written demand on behalf of KBA to  
9 Defendant, Anvil Power, Inc., and Anvil Equipment Company, LP, directed to Alan Guy, the  
10 principal officer of the Anvil entities. I requested, among other things, that the Anvil entities  
11 either perform under an asset purchase agreement between KBA and the Anvil entities or that the  
12 Anvil entities immediately return to KBA the equipment that KBA had provided to Defendants.

13 3. The Anvil entities responded through counsel, Sean Filippini of Downey Brand,  
14 LLP. The Anvil entities did not agree to return any of the KBA equipment in their possession.

15 4. Then again on or about March 4, 2025, and March 5, 2025, I corresponded with  
16 counsel, Mr. Filippini, and reiterated KBA’s demand that the Anvil entities return all KBA  
17 equipment in their possession custody or control. I forwarded to Mr. Filippini a copy of the KBA  
18 equipment list that is attached to the Declaration of Richard Kingsborough as **Exhibit A** and  
19 filed herewith.

20 5. To date, Defendants have refused to perform under the asset purchase agreement  
21 mentioned above or to return the KBA Equipment in its possession.

22 I declare under the penalty of perjury under the laws of the United States of America that  
23 the foregoing is true and correct and if called upon would and could competently testify thereto.

24 Executed this 20th day of March, 2025 at Santa Rosa, California

25  
26 /s/Philip J. Terry  
Philip J. Terry

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